

# COMBINED DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES PATENT

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter that which is claimed and for which a patent is sought on the invention entitled **DYNAMIC O<sub>x</sub> BIOLOGICAL BURDEN REDUCTION**, the specification of which is attached hereto unless the following is checked:

[X] The specification was filed on **December 22, 1998**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I hereby acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

Under Title 35, United States Code, § 119(a)-(d) or § 365(b), I hereby claim foreign priority benefits of any foreign application(s) for patent or inventor's certificate or under Title 35, United States Code, § 365(a) of any PCT International application which designated at least one country other than the United States, which are listed below, and have also identified below any foreign application for patent or inventor's certificate, or of any International applications having a filing date before that of the application on which priority is claimed:

Under Title 35, United States Code, § 119(e), I hereby claim the benefit of priority of any United States provisional patent applications listed below

Provisional Patent Application No. 60/068,668, filed December 23, 1997.

Under Title 35, United States Code, § 120, I hereby claim the benefit of priority of any United States patent application(s) or under Title 35, United States Code, § 365(c) of any PCT International application designating the United States, which are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International applications(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, and I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application:

I hereby appoint as my attorneys, with full power of substitution and revocation, to prosecute the patent application identified above and to transact all business in the U.S. Patent and Trademark Office and all other competent International/Foreign authorities and to transact all connected therewith: Raphael V. Lupo (Reg. No. 28,363); Jack Q. Lever, Jr.

(Reg. No. 28,149); Kenneth L. Cage (Reg. No. 26,151); Michael E. Fogarty (Reg. No. 36,139); Brian E. Ferguson (Reg. No. 36,801); Robert W. Zelnick (Reg. No. 36,976); Edward E. Kubasiewicz (Reg. No. 30,020); Paul Devinsky (Reg. No. 28,553); Wilhlem F. Gadiano (Reg. No. 37,136); Laura A. Donnelly (Reg. No. 38,435); Craig L. Plastrik (Reg. No. 41,254); Margaret M. Duncan (Reg. No. 30,879); Joseph H. Paquin, Jr. (Reg. No. 31,647); Michele M. Schafer (Reg. No. 34,717); Damian G. Wasserbauer (Reg. No. 34,749); John G. Bisbikis (Reg. No. 37,095); Christine F. Martin (Reg. No. 39,762); and Joy Ann G. Serauskas (Reg. No. 27,952).

PLEASE DIRECT ALL CORRESPONDENCE AND TELEPHONE CALLS TO:

**Laura A. Donnelly**  
**MCDERMOTT, WILL & EMERY**  
600 13th Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 756-8000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **Gary B. Carman**  
Residence Address: **5815 Lone Horse Drive**  
Post Office Address: **Reno, Nevada 89502**  
Citizenship: **U.S.A.**

Inventor's signature

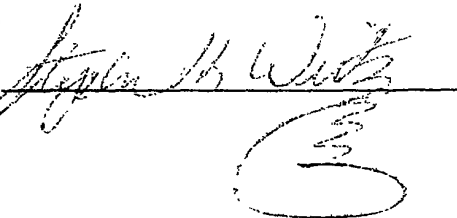


Date

March 4, 1999

Full name of sole or first inventor: **Stephen K. Wirtz**  
Residence Address: **2230 Figoni Ranch Road**  
Post Office Address: **Sparks, Nevada 89434**  
Citizenship: **U.S.A.**

Inventor's signature



Date

3/4/99

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: GARY B. CARMAN, ET AL.

GAU: 1744

SERIAL NO: 09/217,581

FILING DATE: DECEMBER 22, 1998

FOR: DYNAMIC O<sub>x</sub> BIOLOGICAL BURDEN REDUCTION

**REVOCATION AND NEW APPOINTMENT OF POWER OF ATTORNEY**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

The undersigned Gary B. Carman and Stephen K. Wirtz, hereby revoke any and all previous Powers of Attorney and appoint Steven B. Kelber, Reg. No. 30,073; Marc R. Labgold, Ph.D., Reg. No. 34,651; Song K. Jung, Reg. No. 35,210; Sharon E. Crane, Ph.D., Reg. No. 36,113; Laura A. Donnelly, Reg. No. 38,435; Catherine Bax Richardson, Reg. No. 39,007; Kenneth D. Springer, Reg. No. 39,843; Russell O. Paige, Reg. No. 40,758; James M. Heintz, Reg. No. 41,828; Laura D. Nammo, Reg. No. 42,024, and Amy L. Miller, Reg. No. 43,804 as attorneys with full power of substitution and revocation, to prosecute said patent application, receive any Letters Patent and to take any and all other actions with regard to this patent application and any Letters Patent issuing thereon, and request that all correspondence be sent to Steven B. Kelber of LONG ALDRIDGE & NORMAN, LLP whose post office address is: 701 Pennsylvania Avenue, N.W., 6<sup>th</sup> Floor, Washington, D.C. 20004.

**CERTIFICATION UNDER 37 C.F.R. 3.73(b)**

We, the undersigned, certify that we are the joint inventors of the entire right, title and interest in the above identified patent application.

We further declare that all statements made herein are of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

February 29, 2000  
Date Signed

Gary B. Carman  
Gary B. Carman

Feb 29 00  
Date Signed

Stephen K. Wirtz  
Stephen K. Wirtz